

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

JOHN WADE,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-00492

KATINA HECKARD,

Respondent.

ORDER

Pending are Petitioner John Wade’s Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1], filed July 10, 2023, and Respondent Katina Heckard’s Motion to Dismiss [Doc. 16], filed October 20, 2023. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on November 21, 2023. Magistrate Judge Aboulhosn recommended that the Court grant Ms. Heckard’s Motion to Dismiss and remove this case from the docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 8, 2023. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 19**], **GRANTS** Ms. Heckard’s Motion to Dismiss [**Doc. 16**], **DISMISSES AS MOOT** Mr. Wade’s Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [**Doc. 1**], and **REMOVES** this matter from the docket.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: December 19, 2023



Frank W. Volk
Frank W. Volk
United States District Judge

¹On November 21, 2023, a copy of the PF&R was mailed to Mr. Wade at FCI Beckley but was returned as undeliverable on December 18, 2023. [ECF 20]. At this writing, the Bureau of Prisons’ Inmate Locator indicates Mr. Wade was released from custody on October 6, 2023. Inasmuch as Mr. Wade has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, this matter is ripe for adjudication.